

Notice of Allowability

Application No.

10/019,907

Examiner

Lynda M Salvatore

Applicant(s)

DAWSON ET AL.

Art Unit

1771

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/26/03.
2. ☒ The allowed claim(s) is/are 2-8, 10, 11, 13-16, 20, 24 and 27.
3. ☒ The drawings filed on 11/09/01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed, 11/26/03 have been fully considered and entered. Claims 1,9,12,18-23,25-26 and 28-29 have been canceled and claims 24 and 27 have amended as requested. Applicant's cancellation of claims 9,19,21-23,25 and 26 render moot the 35 U.S.C. 112 second paragraph rejections set forth in section 2 of the last Office Action. As such, these rejections are withdrawn. Applicant's amendments to claim 24 is found sufficient to overcome the 35 U.S.C. 112 second paragraph rejections set forth in section 2 of the last Office action. Specifically, Applicant has amended said claim to depend from previously allowed claim 2. Thus, this claim rejection is hereby withdrawn. Applicant's cancellation of 1,9,12,18,21-23,25-26,28 and 29 render moot the 35 U.S.C. 102(b) rejections set forth in sections 4 and 5 of the last Office Action. As such, these rejections are hereby withdrawn. Applicant's amendments to claims 24 and 27 are found sufficient to overcome the 35 U.S.C. 102(b) rejections set forth in sections 4 and 5 of the last Office Action. Specifically, Applicant has amended said claims to depend from previously allowed claim 2. As such since the prior art prior art of record fails to teach or fairly suggest film or material, which have fluid absorption properties different to the rest of the layer wherein the discrete areas and the layer, which they cover are cut so as to provide a plurality of close fitting flaps. The 35 U.S.C. 102(b) rejections of claims 24 and 27 as set forth in sections 4 and 5 of the last Office Action are hereby withdrawn. Accordingly, Applicant's amendments are found to patentably distinguish claims 2-8,10-11,13-16,24 and 27 over the prior art of record for reasons set forth herein below.

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Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

As previously set forth in section 5 of the last Office Action, claims 2-8, 10,13-16 and 20 were found allowable over the prior art of record. Applicant elected to cancel claim 20 without prejudice. With regard to claim 11, the Examiner inadvertently failed to indicate claim 11 as being allowed in the last Office Action, however, claim 11 is also allowable as it depends indirectly from allowed claim 2. Newly amended claims 24 and 27 are also found allowable as they depend directly from allowed claim 2. Specifically, the prior art of record fails to teach or fairly suggest a film or material, which have fluid absorption properties different to the rest of the layer wherein the discrete areas and the layer, which they cover are cut so as to provide a plurality of close fitting flaps. An updated art search did not produce any new substantial art for which to base a rejection and no motivation presently exists to combine references to form an obvious type rejection exists. Thus, claims 2-8,10-11,13-16,24 and 27 are found allowable over the prior art of record.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

January 29, 2004

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CHERYL A. JUSKA
PRIMARY EXAMINER